

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

EDWARD TURNER,

Petitioner,

vs.

DAN PACHOLKE,

Respondent.

NO. CV-07-397-LRS

ORDER DISMISSING PETITION

By Order filed May 27, 2008, the court advised Petitioner of the deficiencies of his First Amended Petition and directed him to amend within thirty (30) days. Mr. Turner, a prisoner at the Stafford Creek Corrections Center in Aberdeen, Washington, is proceeding *pro se* and *in forma pauperis*; Respondent has not been served. Petitioner did not comply with the court's directive and has filed nothing further in this action.

In the First Amended Petition, Mr. Turner failed to present any grounds for federal habeas relief, or supporting facts, as required by Rule 2(c), Rules Governing Section 2254 Cases in the United States District Courts. His reference to a state appellate brief was insufficient to show his conviction violated the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254.

1 The Federal District Court cannot revisit the Washington Supreme
2 Court's construction of state law. See *Estelle v. McGuire*, 502 U.S.
3 62, 67-68 (1991). It appears Petitioner's claim is founded on his
4 belief that the Washington courts has misconstrued the criminal
5 statute at issue in his case. This court, however, is precluded from
6 second-guessing State Court construction of a state criminal statute
7 on federal habeas review. *Id.*

8 The court has granted Petitioner two opportunities to amend his
9 habeas petition to present federal grounds for relief. He has not
10 done so. Accordingly, **IT IS ORDERED** the First Amended Petition (Ct.
11 Rec. 8) is **DENIED without prejudice** for failure to present grounds for
12 federal habeas relief, and supporting facts, as required by Rule 2(c),
13 Rules Governing Section 2254 Cases in the United States District
14 Courts.

15 **IT IS SO ORDERED.** The District Court Executive is directed to
16 enter this Order, enter judgment, forward a copy to Petitioner at his
17 last known address, and close the file.

18 **DATED** this 3rd day of July, 2008.

19
20 *s/Lonny R. Suko*

21

LONNY R. SUKO
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27